

the words “When Federal recognition is withdrawn * * * as provided in section 115 of this title”.

In subsection (b), the words “Subject to subsection (a)” are inserted for clarity. The words “as provided by the laws” are substituted for the words “in such manner as * * * shall provide by law”.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-456 struck out “, the Canal Zone,” after “Puerto Rico”.

CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, discharge of officers, see section 14907 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1370.

§ 325. Relief from National Guard duty when ordered to active duty

(a) Each member of the Army National Guard of the United States or the Air National Guard of the United States who is ordered to active duty is relieved from duty in the National Guard of his State or Territory, or of Puerto Rico or the District of Columbia, as the case may be, from the effective date of his order to active duty until he is relieved from that duty.

(b) So far as practicable, members, organizations, and units of the Army National Guard of the United States or the Air National Guard of the United States ordered to active duty shall be returned to their National Guard status upon relief from that duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Pub. L. 100-456, div. A, title XII, §1234(b)(6), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
325(a)	50:1120.	July 9, 1952, ch. 608, §710, 712(b) (less last 17 words), 66 Stat. 503, 504.
325(b)	50:1122(b) (less last 17 words).	

In subsection (a), the words “in the service of the United States” are omitted as surplusage. The words “effective date of his order to active duty until he is relieved from that duty” are substituted for the words “active-duty date of the orders and for as long as they remain on active duty in the service of the United States”. 50:1120 (last sentence) is omitted as surplusage, since the persons involved are members of the Army or the Air Force.

In subsection (b), the words “upon relief from that duty” are substituted for the words “upon being relieved from active duty”. The words “their National Guard status” are substituted for the words “to the National Guard and Air National Guard in their respective States, Territories, and the District of Columbia”.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 struck out “, the Canal Zone,” after “Puerto Rico”.

CROSS REFERENCES

Active duty, see sections 12301 and 12401 of Title 10, Armed Forces.

Return of arms and equipment upon relief from Federal service, see section 706 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 706 of this title.

§ 326. Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures

In the National Guard not in Federal service, there are general, special, and summary courts-martial constituted like similar courts of the Army and the Air Force. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures, provided for those courts.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
326	32:91.	June 3, 1916, ch. 134, §102, 39 Stat. 208.

The words “not in Federal service” are substituted for the words “Except in organizations in the service of the United States”. The words “have the jurisdiction and powers” are substituted for the words “and have cognizance of the same subjects, and possess like powers”. The words “of three kinds, namely”, “provided for by the laws and regulations governing”, “proceedings of courts-martial of the National Guard”, and “modes of” are omitted as surplusage.

CROSS REFERENCES

Uniform Code of Military Justice—

Generally, see section 801 et seq. of Title 10, Armed Forces.

Composition of courts-martial, see sections 825 to 829 of Title 10.

Court-martial jurisdiction, see sections 816 to 820 of Title 10.

Pre-trial procedure, see sections 830 to 835 of Title 10.

Review of courts-martial, see sections 859 to 876a of Title 10.

Trial procedure, see sections 836 to 854 of Title 10.

§ 327. General courts-martial of National Guard not in Federal service

(a) In the National Guard not in Federal service, general courts-martial may be convened by the President or by the governor of a State or Territory or Puerto Rico or by the commanding general of the National Guard of the District of Columbia.

(b) A general court-martial may sentence to—

- (1) a fine of not more than \$200;
- (2) forfeiture of pay and allowances;
- (3) a reprimand;
- (4) dismissal or dishonorable discharge;
- (5) reduction of a noncommissioned officer to the ranks; or
- (6) any combination of these punishments.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608; Pub. L. 100-456, div. A, title XII, §1234(b)(4), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
327(a)	32:92 (1st 46 words).	June 3, 1916, ch. 134, §103, 39 Stat. 208.
327(b)	32:92 (less 1st 46 words).	

In subsection (a), the words “Federal service” are substituted for the words “service of the United States”.

In subsection (b), the words “A general court-martial may sentence to—” are substituted for the words “and